

SENATE BILL 1666
By Williams

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 14, Part 4, relative to criminal trespassing
on railroad property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The general assembly hereby finds that railroads transport cargos that are potentially hazardous and are subject to terrorism and other threats which could endanger public health, safety and welfare. In addition, it is fitting that the general assembly prevent accidents and casualties of persons who would otherwise unlawfully enter upon railroad properties.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 14, Part 4, is amended by adding a new section thereto, as follows:

Section 39-14-414.

(a) A person commits railroad criminal trespass who, without the consent of the railroad carrier or without lawful authority:

(1) Enters or remains on a railroad right-of-way or railroad property except to cross such right-of-way or property at a public highway or other authorized crossing; or

(2) Rides or climbs on any car, train, engine, or equipment.

(b)

(1) Railroad criminal trespass is a Class C misdemeanor.

(2) A second violation of this section within two (2) years of a prior conviction for violating this section is a Class B misdemeanor.

(3) A third or subsequent violation of this section within two (2) years of a conviction for a second violation of this section is a Class A misdemeanor.

SECTION 3. This act shall take effect July 1, 2005, the public welfare requiring it.